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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES, LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (BRL)

SIPA Liquidation

(Substantively Consolidated)

**MOTION FOR LEAVE TO WITHDRAW AS COUNSEL OF RECORD
AND REQUEST FOR REMOVAL FROM SERVICE LIST**

Susan Capote, Esq. and Lewis Tein, P.L., pursuant to Rule 2090-1 of the Local Bankruptcy Rules for the Southern District of New York, hereby move for leave to withdraw as counsel of record for Ermitage Finance Corporation (“Ermitage”) and request removal from the CM/ECF service list in this case, stating as follows:

1. As a direct investor in Fairfield Sentry Limited Fund (“Sentry”), a feeder fund and director customer in Bernard L. Madoff Investment Securities, LLC (“BLMIS”), Ermitage was an indirect investor in BLMIS.

2. On January 6, 2010, Susan Capote, Esq., an associate at Lewis Tein, P.L., entered an appearance *pro hac vice*, as counsel of record for Ermitage.

3. On June 28, 2011, this Court granted the Trustee’s motion to affirm the Trustee’s determination denying the claims of indirect investors, such as Ermitage.

4. Ermitage opted not to appeal this Court’s decision.

5. As a result, Ermitage is no longer involved in this litigation.

6. Accordingly, Susan Capote, Esq. and Lewis Tein, P.L., respectfully request leave to withdraw as counsel of record in this case and removal from the CM/ECF service list.

WHEREFORE, undersigned counsel prays that this Court enter an Order allowing withdrawal as counsel of record in this case.

Respectfully submitted,

LEWIS TEIN, P.L.
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By: /s/ Susan Capote
SUSAN CAPOTE
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Counsel for Ermitage Finance Corporation
Pro Hac Vice Status Approved

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 24, 2012, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I certify that the foregoing document is being served this day on all counsel of record identified on the following service list via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Susan Capote

SUSAN CAPOTE